

From: Terry Farmer  
Sent: Sunday, December 13, 2015 9:59 AM  
To: CEQA Guidelines@CNRA  
Subject: Proposed Appendix G Revisions

Hello,

I have reviewed your proposed revisions to Appendix G to incorporate tribal cultural resources. As a planner who has drafted CEQA documents for the past 18 years, this is of particular interest to me. My comments are as follows:

- \* I do not believe that a new section (Alternative 3) needs to be created. The existing Cultural Resources section can cover the issue. While the CEQA Guidelines states that Appendix G is a guideline, most jurisdictions use Appendix G as a template for CEQA analysis, and most plaintiffs in lawsuits insist that jurisdictions follow the Appendix G template. There are already 17 issue sections in Appendix G (not counting the Mandatory Findings of Significance), and an additional section would not measurably improve analysis, but it would generate extra work and provide another potential source of litigation.

- \* Since AB 52 requires new procedures, introductory text as presented in Alternative 3 would be helpful. However, I would put this introductory text in the Cultural Resources section. I would write it like this: "Consistent with the objectives of Public Resources Code Section 21074, consultation with a California Native American Tribe that has requested such consultation may assist a lead agency in determining whether the project would have a significant impact on Tribal Cultural Resources, and if so, how such impacts may be avoided or mitigated. Would the project:"

- \* I would merge the proposed questions in Alternatives 1 and 2 and write the question in the Cultural Resources section this way: "Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Public Resources Code Section 21074, including a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American Tribe, whether or not consultation by a Tribe has been requested?"

I believe these suggestions would cover all the issues regarding tribal cultural resources while "tightening" the Appendix G format. Please feel free to contact me if you have any questions. Thank you for accepting my comments.

Sincerely,  
Terry Farmer, AICP